

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MITCHELL KEITH GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, *et. al.*,

Defendant.

Case No. 3:20-cv-00549-ART-CLB

**ORDER GRANTING PLAINTIFF'S
MOTION TO STAY CASE AND DENYING
AS MOOT PLAINTIFF'S MOTIONS FOR
LEAVE**

[ECF Nos. 67, 68, 69]

Before the Court is Plaintiff Mitchell Keith Goodrum's ("Goodrum") motion to stay this case for 90-days. (ECF No. 67.) After filing the above motion to stay, Goodrum filed two additional motions. (ECF Nos. 68-69.) The first motion is related Goodrum's assertions that the NDOC failed to provide him all copies of medical records. (See ECF Nos. 68.) The second motion is related to Goodrum's assertion that the NDOC failed to provide him his missing litigation files which he claims this Court previously ordered the be provided. (ECF No. 69.) The records at issue in this motion appear to be the same litigation files at issue in the motion for stay. For the foregoing reasons, Goodrum's motion to stay, (ECF No. 67), is **GRANTED**, and Goodrum's additional motions, (ECF Nos. 68, 69), are **DENIED** as moot.

I. Prior Discovery Hearing and Order

On October 6, 2022, this Court held a hearing related to previous discovery motions filed by Goodrum involving the alleged missing box of litigation files and Goodrum's medical records. (ECF No. 60.) At that hearing, the Court granted Goodrum's motion to receive and maintain his medical files in his cell. (*Id.*) Specifically, the Court ordered the DAG assigned to the matter to provide Goodrum copies of these records by no later than October 20, 2022. (*Id.*)

With respect to the missing box of litigation files, the Court explained that this appeared to be an issue between Goodrum and the institution. (*Id.*) However, the Court

1 expressly ordered the assigned DAG to meet and confer with Goodrum on this issue and
2 then to meet and confer with the appropriate officials at the NDOC to determine what, if
3 any, litigation files were taken or confiscated from Goodrum. The Court also ordered the
4 assigned DAG to file a “notice of compliance” with the Court’s order on or before October
5 20, 2022. (ECF No. 60.) Finally, the Court extended the discovery cutoff date to December
6 14, 2022. (*Id.*)

7 The DAG filed the required “notice of compliance” on October 20, 2022. (ECF No.
8 62.) As to the medical files, the DAG represented that he provided Goodrum 576 pages
9 of his medical records on October 12, 2022. (*Id.*) Exhibits attached to that document
10 appear to confirm Goodrum’s receipt and acceptance of those records. (*Id.* at 62-1.) After
11 Goodrum subsequently complained that he had not received all his medical records, (ECF
12 No. 61), the DAG represented that he provided Goodrum an additional 247 pages of
13 medical records after October 12, 2022. (ECF No. 62-3.)

14 As to the alleged missing box of litigation files, the DAG confirmed that he met and
15 conferred with both Goodrum and NDOC authorities. However, no additional items
16 belonging to Goodrum could be located. (ECF No. 62.)

17 **II. Motion to Stay**

18 Goodrum’s motion to stay is based on his claim that he is still missing the box of
19 litigation materials described above. (ECF No. 67.) Goodrum filed this identical motion in
20 seven other cases. (*Id.*) Despite this motion lacking any points and authorities, and the
21 fact that other DAGs have opposed this identical motion in at least one of the other seven
22 cases, (See Case No. 2:22-cv-00218-APG-NJK, ECF No. 28), the DAG assigned to this
23 case, filed a “notice of non-opposition” asserting that a stay would be “opportune” due to
24 her recently taking over this matter. (See ECF No. 71.)

25 Pursuant to Local Rule 7-2(d), the failure of an opposing party to file points and
26 authorities in response to any motion shall constitute a consent to the granting of the
27 motion. Therefore, Plaintiff’s motion for a stay of this case for 90 days, (ECF No. 67), is
28 **GRANTED**. Therefore, based on Defendants’ non-opposition, this case is stayed until

1 **Monday, March 6, 2023.** During this timeframe, no filings shall be made by either party
 2 unless otherwise ordered by the Court.

3 **III. Additional Motions**

4 Based on the Court's entry of the stay in this case, Goodrum's additional motions,
 5 (ECF Nos. 68, 69), are **DENIED** as moot. However, during the 90-day stay, the DAG
 6 assigned to this case is ordered to meet and confer with Goodrum on the following issues:
 7 (1) to discuss and determine what additional medical records Goodrum claims he is
 8 missing and to provide those additional medical records to Goodrum; and (2) to further
 9 discuss and determine what missing box of litigation files Goodrum continues to claim is
 10 missing. After the meet and confer with Goodrum, the DAG is again ordered to meet and
 11 confer with NDOC officials to determine what, if any, box(s) that contain Goodrum's
 12 litigation files were confiscated or taken. If any records are located, the DAG and NDOC
 13 are ordered to return those files to Goodrum immediately. The meet and confers
 14 described above shall take place on or before **Monday, January 17, 2023.** To the extent
 15 any additional documents or files are located that were not previously provided, those
 16 documents shall be provided to Goodrum by no later than **Wednesday, February 15,**
 17 **2023.**

18 On **Tuesday, March 7, 2023,** the DAG shall file a status report detailing all actions
 19 taken during the 90-day stay. As part of this status report, the DAG shall submit a detailed
 20 declaration explaining all the details related to the meet and confers that took place and
 21 all steps and efforts taken to locate and provide any additional documents to Goodrum.
 22 This status report shall also include an amended Scheduling Order and Discovery Plan
 23 for the Court's consideration providing updated discovery dates as well as updated
 24 dispositive motion and pretrial order deadlines.

25 **IT IS SO ORDERED.**

26 **DATED:** December 5, 2022

27 
 28 **UNITED STATES MAGISTRATE JUDGE**